



Journal of the Senate

State of Indiana

115th General Assembly

First Regular Session

Twentieth Meeting Day

Tuesday Afternoon

February 20, 2007

The Senate convened at 1:34 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Teresa S. Lubbers.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Boots	Meeks
Bowser <input type="checkbox"/>	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker
Drozda	Rogers
Errington	Simpson
Ford	Sipes
Gard	Skinner
Heinold	Smith
Hershman	Steele
Howard	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman <input type="checkbox"/>
Kruse	Weatherwax
Lanane <input type="checkbox"/>	Wyss
Landske	Young, M. <input type="checkbox"/>
Lawson	Young, R.
Lewis	Zakas

Roll Call 125: present 46; excused 4. [Note: A ☐ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Concurrent Resolution 25, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 9, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 68, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 96, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 108, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 173, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 4, Nays 3.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 261, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 431, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 448, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill 486, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

NUGENT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 562, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 23-14-41-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) In a family burial plot:

- (1) one (1) grave, crypt, or niche may be used for the record owner's interment, entombment, or inurnment;
- (2) after the record owner's interment, entombment, or inurnment, one (1) grave, crypt, or niche may be used for the surviving spouse of the record owner; and
- (3) in the spaces remaining, if any, the parents and children of the deceased record owner, in order of need, may be interred, entombed, or inurned without the consent of any person claiming an interest in the family burial plot.

(b) If there is no parent or child who survives the deceased record owner, the right of interment, entombment, or inurnment in a family burial plot shall go

~~(1) first, in order of need, to the spouse of any child of the deceased record owner; and~~

~~(2) second, in order of need to:~~

~~(A) (1) the heirs at law of the deceased record owner, or the spouse of the heir if the heir is already interred, entombed,~~

~~or inurned,~~ as specified by the statutes of descent; or

~~(B) (2) the spouse of any heir at law of the deceased record owner.~~

SECTION 2. IC 23-14-41-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. **If a family burial plot has been established under section 3 of this chapter and all the living children and parents of the deceased record owner consent in writing, the status as a family burial plot may be terminated and the remaining lots may be transferred, conveyed, or sold to the cemetery owner or any other person designated in the agreement.**

SECTION 3. IC 23-14-47-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The fee that a cemetery owner charges for services in connection with the installation or use of commodities in the cemetery shall be the same to all regardless of who furnishes the commodities. ~~However, a cemetery owner may reserve for itself the exclusive right to furnish services in connection with the installation or use of commodities in the cemetery."~~

Page 5, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 6. IC 23-14-58.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 58.5. Disposition of Abandoned Burial Spaces

Sec. 1. (a) Subject to this chapter, if a burial space in a cemetery that is subject to IC 23-14-41 or any other Indiana law:

(1) has remained unused for a period of at least fifty (50) years from the date of sale or last recorded designation or transfer; and

(2) has no improvements on the burial space, including the placement of a monument, memorial, or other permanent appurtenance;

the person or entity having jurisdiction over the cemetery may terminate the rights and interests of the owner of the burial space.

(b) After July 1, 2007, a contract for the purchase of a burial space must include notice that the contract is subject to termination as provided in subsection (a).

Sec. 2. (a) If the person or entity having jurisdiction over the cemetery:

(1) desires to terminate the rights and interests of the owner of the burial space; and

(2) determines that the conditions specified in section 1 of this chapter have been met;

the person or entity must send to the owner a notice of the intent to terminate the owner's rights to the burial space.

(b) The notice required under subsection (a) must be sent by certified mail with return receipt requested to the owner's last known address.

Sec. 3. (a) An owner who has received a termination notice under section 2 of this chapter may inform the person or entity having jurisdiction over the cemetery of the owner's continued intent to use the burial space. If the person or entity having jurisdiction over the cemetery has been informed of the owner's intent, the person or entity having jurisdiction over the

cemetery may not terminate the rights and interests of the owner of the burial space.

(b) An owner who has received a termination notice under section 2 of this chapter may request the person or entity having jurisdiction over the cemetery to purchase the burial space for the amount originally paid for the burial space.

Sec. 4. (a) If the person or entity having jurisdiction over the cemetery has not received a response from the owner of the burial space within sixty (60) days after sending the notice required in section 2 of this chapter, the person or entity having jurisdiction over the cemetery shall advertise in a newspaper of general circulation in the county of the owner's last known address seeking the owner's current address.

(b) If a new address for the owner of the burial space is obtained after the advertising required in subsection (a), the notice requirement under section 2 of this chapter must be repeated.

(c) If the person or entity having jurisdiction over the cemetery has not received a response regarding the owner of the burial space within sixty (60) days after placing the advertisement required in subsection (a), the owner's rights and interests in the burial space are terminated. After the rights and interests in a burial space are terminated under this chapter, the person or entity having jurisdiction over the cemetery may sell a burial space to a new owner.

(d) If the owner of a burial space contacts the person or entity having jurisdiction over the cemetery after the owner's rights and interests in the burial space are terminated under this chapter, the owner is entitled to select one (1) of the following remedies:

- (1) The original burial space, if it has not been resold.
- (2) Reimbursement of the amount originally paid for the burial space.
- (3) A comparable burial space in the cemetery.

Sec. 5. A person who:

- (1) knowingly terminates an owner's rights and interests in a burial space;
- (2) knows or should have known the identity of the owner; and
- (3) fails to give the owner notice as required under this chapter;

commits a Class B misdemeanor."

Page 5, after line 29, begin a new paragraph and insert:

"SECTION 10. [EFFECTIVE JULY 1, 2007] IC 23-14-58.5-5, as added by this act, applies only to acts committed after June 30, 2007."

Renumber all SECTIONS consecutively.

(Reference is to SB 562 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 573, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be

amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 11-8-5-2, AS AMENDED BY P.L.173-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The department may, under IC 4-22-2, classify as confidential the following personal information maintained on a person who has been committed to the department or who has received correctional services from the department:

- (1) Medical, psychiatric, or psychological data or opinion which might adversely affect that person's emotional well-being.
- (2) Information relating to a pending investigation of alleged criminal activity or other misconduct.
- (3) Information which, if disclosed, might result in physical harm to that person or other persons.
- (4) Sources of information obtained only upon a promise of confidentiality.
- (5) Information required by law or promulgated rule to be maintained as confidential.

(b) The department may deny the person about whom the information pertains and other persons access to information classified as confidential under subsection (a). However, confidential information shall be disclosed:

- (1) upon the order of a court;
- (2) to employees of the department who need the information in the performance of their lawful duties;
- (3) to other agencies in accord with IC 4-1-6-2(m) and IC 4-1-6-8.5;
- (4) to the governor or the governor's designee;
- (5) for research purposes in accord with IC 4-1-6-8.6(b);
- (6) to the department of correction ombudsman bureau in accord with IC 11-11-1.5; ~~or~~
- (7) **to a person who is or may be the victim of inmate fraud (IC 35-43-5-20); or**
- (8) if the commissioner determines there exists a compelling public interest as defined in IC 4-1-6-1, for disclosure which overrides the interest to be served by nondisclosure.

(c) The department shall disclose information classified as confidential under subsection (a)(1) to a physician, psychiatrist, or psychologist designated in writing by the person about whom the information pertains.

(d) The department may disclose confidential information to the following:

- (1) A provider of sex offender management, treatment, or programming.
- (2) A provider of mental health services.
- (3) Any other service provider working with the department to assist in the successful return of an offender to the community following the offender's release from incarceration.

(e) This subsection does not prohibit the department from sharing information available on the Indiana sex offender registry with another person."

Page 1, line 8, after "from" insert **"inmate fraud (IC 35-43-5-20)."**

Page 1, delete lines 9 through 10.

Page 2, line 5, after "(d)" delete "," and insert "or section 6 of this chapter,".

Page 2, line 9, delete "disposed of as".

Page 2, delete lines 10 through 11.

Page 2, run in lines 9 through 13.

Page 2, delete lines 14 through 21.

Page 2, line 24, delete "If the department determines that money in the" and insert "This section applies if the department has reasonable suspicion that money in a confined person's account derives from the commission of inmate fraud (IC 35-43-5-20)."

(b) If the department has reasonable suspicion that money in a confined person's account derives from the commission of inmate fraud, the department may freeze all or a part of the confined person's account for not more than one hundred eighty (180) days while the department conducts an investigation to determine whether the money in the confined person's account derives from inmate fraud. If the department freezes the account of a confined person under this subsection, the department shall notify the confined person in writing.

(c) If the department's investigation reveals that the money in the confined person's account does not derive from inmate fraud, the department shall unfreeze the account at the conclusion of the investigation.

(d) If the department's investigation reveals that the money in the confined person's account may derive from the commission of inmate fraud, the department shall notify the prosecuting attorney of the results of the department's investigation.

(e) If the prosecuting attorney charges the confined person with inmate fraud, the department shall freeze the confined person's account until the case reaches final judgment.

(f) If the prosecuting attorney does not charge the confined person with inmate fraud, or if the confined person is acquitted of the charge of inmate fraud, the department shall unfreeze the confined person's account.

(g) If the confined person is convicted, the department, in consultation with the prosecuting attorney, shall locate and return the money to the rightful owner.

(h) If, after the elapse of ninety (90) days after the date of a confined person's conviction, the department is unable to locate and return the money to the rightful owner, the department shall deposit the money in the violent crime victim's compensation fund under IC 5-2-6.1-40.

SECTION 5. IC 35-43-5-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. (a) As used in this section, "inmate" means a person who is confined in:

(1) the custody of:

(A) the department of correction; or

(B) a sheriff;

(2) a county jail; or

(3) a secure juvenile facility.

(b) An inmate who, with the intent of obtaining money or other property from a person who is not an inmate:

(1) makes a misrepresentation to a person who is not an inmate; and

(2) obtains money or other property from the person who

is not an inmate;

commits inmate fraud, a Class C felony.

SECTION 6. [EFFECTIVE JULY 1, 2007] IC 35-43-5-20, as added by this act, applies only to crimes committed after June 30, 2007."

Page 2, delete lines 25 through 33.

Renumber all SECTIONS consecutively.

(Reference is to SB 573 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 323, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 1, delete "As used in this" and insert "The legislative council shall assign to the regulatory flexibility committee established under IC 8-1-2.6-4 for further study the topic of a statewide emergency notification system, including the following:

(1) The implementation of a statewide wireless (or other emerging technology) emergency notification system.

(2) The expansion of existing emergency telephone notification systems established under IC 36-8-21."

Page 1, delete lines 2 through 18.

Page 2, delete lines 1 through 12.

Page 2, line 13, delete "(h)" and insert "(b)".

(Reference is to SB 323 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 548, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 36 through 37, begin a new paragraph and insert:

"Sec. 6. The state board shall award grants to charter schools from money appropriated from the account for that purpose by the general assembly. The grants may be used:".

Page 3, line 14, after "ADM" delete ":".

Page 3, delete lines 15 through 17.

Page 3, line 18, delete "(ii)".

Page 3, run in lines 14 through 18.

(Reference is to SB 548 as printed February 9, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 4.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill 435, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 3 through 8, begin a new line blocked left and insert:

"to a county ~~having: that has:~~

(1) a consolidated city; ~~or~~

(2) a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); or

(3) adopted an ordinance providing for the county to be governed by this chapter.

However, sections 9.5, 15, 16, 17, and 18 of this chapter".

(Reference is to SB 435 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 3.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 78, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 23, delete lines 16 through 42.

Delete pages 24 through 36.

Page 37, delete lines 1 through 8.

Page 41, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 30. IC 35-44-3-13, AS ADDED BY P.L.139-2006, SECTION 5, AS ADDED BY P.L.140-2006, SECTION 34, AND AS ADDED BY P.L.173-2006, SECTION 35, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) A person who is being supervised on lifetime parole (as described in IC 35-50-6-1) and who knowingly or intentionally violates a condition of lifetime parole that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a ~~sex crime described in IC 5-2-12-4 IC 11-8-8-5~~ that was committed by the person commits a Class D felony if, at the time of the violation:

(1) the person's lifetime parole has been revoked two (2) or more times; or

(2) the person has completed the person's sentence, including any credit time the person may have earned.

(b) The offense described in subsection (a) is a Class C felony if the person has a prior unrelated conviction under this section."

Page 44, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 32. IC 35-50-6-1, AS AMENDED BY P.L.139-2006, SECTION 6, AS AMENDED BY P.L.140-2006, SECTION 38, AND AS AMENDED BY P.L.173-2006, SECTION 38, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as provided in

subsection (d) or (e), when a person imprisoned for a felony completes the person's fixed term of imprisonment, less the credit time the person has earned with respect to that term, the person shall be:

(1) released on parole for not more than twenty-four (24) months, as determined by the parole board;

(2) discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole; or

(3) released to the committing court if the sentence included a period of probation.

(b) This subsection does not apply to a person described in subsection (d), (e), or (f). A person released on parole remains on parole from the date of release until the person's fixed term expires, unless the person's parole is revoked or the person is discharged from that term by the parole board. In any event, if the person's parole is not revoked, the parole board shall discharge the person after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.

(c) A person whose parole is revoked shall be imprisoned for all or part of the remainder of the person's fixed term. However, the person shall again be released on parole when the person completes that remainder, less the credit time the person has earned since the revocation. The parole board may reinstate the person on parole at any time after the revocation.

(d) This subsection does not apply to a person who is a sexually violent predator under IC 35-38-1-7.5. When a sex offender (as defined in ~~IC 5-2-12-4 IC 11-8-8-5~~) **IC 11-8-8-4.5**) completes the sex offender's fixed term of imprisonment, less credit time earned with respect to that term, the sex offender shall be placed on parole for not more than ten (10) years.

(e) This subsection applies to a person who:

(1) is a sexually violent predator under IC 35-38-1-7.5;

(2) **has been convicted of murder (IC 35-42-1-1); or**

(3) **has been convicted of voluntary manslaughter (IC 35-42-1-3).**

When a ~~sexually violent predator person described in this subsection~~ completes the person's fixed term of imprisonment, less credit time earned with respect to that term, the person shall be placed on parole for the remainder of the person's life.

(f) This subsection applies to a parolee in another jurisdiction who is a ~~sexually violent predator under IC 35-38-1-7.5~~ **person described in subsection (e)** and whose parole supervision is transferred to Indiana from another jurisdiction. In accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and Parolees) and rules adopted under Article VII (d)(8) of the Interstate Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who is a ~~sexually violent predator person described in subsection (e)~~ and whose parole supervision is transferred to Indiana is subject to the same conditions of parole as a ~~sexually violent predator person described in subsection (e) who was convicted in Indiana, including:~~

(1) lifetime parole (as described in subsection (e)); and

(2) the requirement that the person wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, if applicable.

(g) If a person being supervised on lifetime parole as described in subsection (e) is also required to be supervised by a court, a probation department, a community corrections program, a community transition program, or another similar program upon the person's release from imprisonment, the parole board may:

- (1) supervise the person while the person is being supervised by the other supervising agency; or
- (2) permit the other supervising agency to exercise all or part of the parole board's supervisory responsibility during the period in which the other supervising agency is required to supervise the person, if supervision by the other supervising agency will be, in the opinion of the parole board:

- (A) at least as stringent; and
- (B) at least as effective;

as supervision by the parole board.

(h) The parole board is not required to supervise a person on lifetime parole during any period in which the person is imprisoned. However, upon the person's release from imprisonment, the parole board shall recommence its supervision of a person on lifetime parole."

Page 49, after line 22, begin a new paragraph and insert:

"SECTION 35. [EFFECTIVE JULY 1, 2007] **IC 33-44-3-13, as amended by this act, applies only to crimes committed after June 30, 2007.**"

Renumber all SECTIONS consecutively.

(Reference is to SB 78 as printed January 24, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 2, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 11-8-1-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 11. "Tier 1 sex offender" means a sex offender who is not a Tier 2 or Tier 3 sex offender.**

SECTION 2. IC 11-8-1-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 12. "Tier 2 sex offender" means:**

- (1) **a person who has been convicted of one (1) or more of the following offenses:**

- (A) **Promotion of human trafficking (IC 35-42-3.5-1(a)(2)), if the victim is less than eighteen (18) years of age.**
- (B) **Sexual trafficking of a minor (IC 35-42-3.5-1(b)).**
- (C) **Human trafficking (IC 35-42-3.5-1(c)(3)), if the victim is less than eighteen (18) years of age.**
- (D) **Promoting prostitution (IC 35-45-4-4), if the victim is less than eighteen (18) years of age.**

(E) **Sexual battery (IC 35-42-4-8), if the victim is at least thirteen (13) years of age but less than eighteen (18) years of age.**

(F) **Vicarious sexual gratification involving:**

- (i) **the use of force or a controlled substance (IC 35-42-4-5(a)(2)); or**

- (ii) **serious bodily injury (IC 35-42-4-5(a)(3);**

if the victim is at least thirteen (13) years of age.

(G) **Child exploitation (IC 35-42-4-4(b)).**

(H) **Child seduction (IC 35-42-4-7).**

(I) **An attempt or a conspiracy to commit an offense described in clauses (A) through (H); or**

- (2) **a person who, being a Tier 1 sex offender, is convicted of a subsequent sex offense.**

The term does not include a person who is a Tier 3 sex offender.

SECTION 3. IC 11-8-1-13 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 13. "Tier 3 sex offender" means the following:**

- (1) **A person convicted of one (1) of the following offenses:**

(A) **Rape (IC 35-42-4-1).**

(B) **Criminal deviate conduct (IC 35-42-4-2).**

(C) **Child molesting (IC 35-42-4-3).**

(D) **Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age, and the person who kidnapped the victim is not the victim's parent or guardian.**

(E) **Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age and the person who confined or removed the victim is not the victim's parent or guardian.**

(F) **Sexual battery (IC 35-42-4-8), if the victim is less than thirteen (13) years of age.**

(G) **Vicarious sexual gratification involving:**

- (i) **the use of force or a controlled substance (IC 35-42-4-5(a)(2)); or**

- (ii) **serious bodily injury (IC 35-42-4-5(a)(3);**

if the victim is less than thirteen (13) years of age.

(H) **An attempt or a conspiracy to commit an offense described in clauses (A) through (G).**

- (2) **A child who is adjudicated as a delinquent child for an act that, if committed by an adult, would constitute:**

(A) **rape (IC 35-42-4-1);**

(B) **criminal deviate conduct (IC 35-42-4-2); or**

(C) **child molesting involving sexual intercourse (IC 35-42-4-3(a));**

if the child was at least fourteen (14) years of age at the time the offense was committed.

- (3) **A person who, being a Tier 2 sex offender, is convicted of a subsequent sex offense.**

SECTION 4. IC 11-8-8-5, AS ADDED BY P.L.173-2006, SECTION 13, IS amended TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. (a) As used in this chapter, "sex offender" means a person convicted of any of the following offenses:**

- (1) **Rape (IC 35-42-4-1).**

- (2) **Criminal deviate conduct (IC 35-42-4-2).**

- (3) **Child molesting (IC 35-42-4-3).**

- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9), **unless:**

(A) the person is convicted of sexual misconduct with a minor as a Class C felony;

(B) the person is not more than four (4) years older than the victim; and

(C) the sentencing court finds that the person should not be required to register as a sex offender.

- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age **and the person who kidnapped the victim is not the victim's parent or guardian.**
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age **and the person who confined or removed the victim is not the victim's parent or guardian.**
- (13) Possession of child pornography (IC 35-42-4-4(c)). ~~if the person has a prior unrelated conviction for possession of child pornography (IC 35-42-4-4(c)).~~
- (14) Promoting prostitution (IC 35-45-4-4), if the victim is less than eighteen (18) years of age.**
- (15) Promotion of human trafficking (IC 35-42-3.5-1(a)(2)), if the victim is less than eighteen (18) years of age.**
- (16) Sexual trafficking of a minor (IC 35-42-3.5-1(b)).**
- (17) Human trafficking (IC 35-42-3.5-1(c)(3)), if the victim is less than eighteen (18) years of age.**
- ~~(14) (18) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (13): (17).~~
- ~~(15) (19) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (14): (18).~~

(b) The term includes:

- (1) a person who is required to register as a sex offender in any jurisdiction; and
 - (2) a child who has committed a delinquent act and who:
 - (A) is at least fourteen (14) years of age;
 - (B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
 - (C) **unless the delinquent act committed by the child would, if committed by an adult, be:**
 - (i) rape (IC 35-42-4-1);**
 - (ii) criminal deviate conduct (IC 35-42-4-2); or**
 - (iii) child molesting involving sexual intercourse (IC 35-42-4-3(a));**
- is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described

in subsection (a) if committed by an adult.

SECTION 5. IC 11-8-8-7, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

(1) A sex offender who resides in Indiana. A sex offender resides in Indiana if either of the following applies:

(A) The sex offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex offender who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period:

(A) exceeding fourteen (14) consecutive days; or

(B) for a total period exceeding thirty (30) days; during any calendar year in Indiana, whether the sex offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education in Indiana.

(b) Except as provided in subsection (e), a sex offender who resides in Indiana shall register with the local law enforcement authority in the county where the sex offender resides. If a sex offender resides in more than one (1) county, the sex offender shall register with the local law enforcement authority in each county in which the sex offender resides. If the sex offender is also required to register under subsection (a)(2) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (c) or (d).

(c) A sex offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex offender is or intends to be employed or carry on a vocation. If a sex offender is or intends to be employed or carry on a vocation in more than one (1) county, the sex offender shall register with the local law enforcement authority in each county. If the sex offender is also required to register under subsection (a)(1) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (d).

(d) A sex offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex offender is enrolled or intends to be enrolled as a student. If the sex offender is also required to register under subsection (a)(1) or (a)(2), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).

(e) A sex offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex offender shall also register with the local law enforcement authority

in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) A sex offender committed to the department shall register with the department before the sex offender is released from incarceration. The department shall forward the sex offender's registration information to the local law enforcement authority of every county in which the sex offender is required to register.

(g) ~~This subsection does not apply to a sex offender who is a sexually violent predator.~~ A sex offender not committed to the department shall register not more than ~~seven (7) days~~ **seventy-two (72) hours** after the sex offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sex offender is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex offender's arrival in that county or acquisition of real estate in that county.

~~(h) This subsection applies to a sex offender who is a sexually violent predator. A sex offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex offender:~~

- ~~(1) is released from a penal facility (as defined in IC 35-41-1-21);~~
- ~~(2) is released from a secure private facility (as defined in IC 31-9-2-115);~~
- ~~(3) is released from a juvenile detention facility;~~
- ~~(4) is transferred to a community transition program;~~
- ~~(5) is placed on parole;~~
- ~~(6) is placed on probation;~~
- ~~(7) is placed on home detention; or~~
- ~~(8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);~~

~~whichever occurs first. A sex offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.~~

~~(i) (h)~~ The local law enforcement authority with whom a sex offender registers under this section shall make and publish a photograph of the sex offender on the Indiana sex offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex offender that complies with the requirements of IC 36-2-13-5.5 ~~at least once per year.~~ **every time the sex offender registers in person.** The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the

consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex offender registry web site established under IC 36-2-13-5.5.

~~(j) (i)~~ When a sex offender registers **or updates a registration**, the local law enforcement authority shall:

- (1) immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5; ~~and~~
- (2) notify every law enforcement agency having jurisdiction in the county where the sex offender resides; **and**
- (3) notify every school and public housing agency in each county where the sex offender is required to register.**

The local law enforcement authority shall provide the department, ~~and~~ a law enforcement agency described in subdivision (2), **and a school and public housing agency described in subdivision (3)** with the information provided by the sex offender during registration.

SECTION 6. IC 11-8-8-8, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The registration required under this chapter must include the following information:

- (1) The sex offender's full name, alias, any name by which the sex offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification number, principal residence address, and mailing address, if different from the sex offender's principal residence address.
- (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.
- (3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex offender's employers in Indiana, the name and address of each campus or location where the sex offender is enrolled in school in Indiana, and the address where the sex offender stays or intends to stay while in Indiana.
- (4) A recent photograph of the sex offender.
- (5) If the sex offender is a sexually violent predator, that the sex offender is a sexually violent predator.
- (6) If the sex offender is required to register for life, that the sex offender is required to register for life.
- (7) The license plate number and a description of any vehicle owned or operated by the sex offender.**
- ~~(7) (8)~~ Any other information required by the department.

SECTION 7. IC 11-8-8-14, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. ~~At least once per calendar year,~~ **(a)** A sex offender who is required to register under this chapter shall:

- (1) report in person to the local law enforcement authority;
- (2) register; and
- (3) be photographed by the local law enforcement authority;

in each location where the offender is required to register as often as required under subsection (b).

(b) A sex offender shall report, register, and be photographed as required under subsection (a) as follows:

(1) A tier 1 sex offender shall report, register, and be photographed at least one (1) time per year.

(2) A tier 2 sex offender shall report, register, and be photographed at least one (1) time every one hundred eighty (180) days.

(3) A tier 3 sex offender shall report, register, and be photographed at least one (1) time every ninety (90) days.

SECTION 8. IC 11-8-8-19, AS ADDED BY P.L.173-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) Except as provided in subsections (b) through (e), a sex offender is required to register under this chapter until the expiration of ten (10) years after the date The registration period for a sex offender required to register under this chapter begins on the date the sex offender:

(1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;

(2) is placed in a community transition program;

(3) is placed in a community corrections program;

(4) is placed on parole; or

(5) is placed on probation;

whichever occurs last. The department shall ensure that an offender who is no longer required to register as a sex offender is notified that the obligation to register has expired.

(b) Except as provided in subsection (e), a tier 1 sex offender shall register for fifteen (15) years.

(c) A tier 2 sex offender shall register for twenty-five (25) years.

(d) Except as provided in subsection (f), a tier 3 sex offender shall register for life.

(e) The fifteen (15) year registration period for a tier 1 sex offender shall be reduced to ten (10) years if the following conditions are met during the first ten (10) years of the registration period:

(1) The sex offender is not convicted of a:

(A) felony; or

(B) sex offense.

(2) The sex offender successfully completes any period of probation, parole, community corrections, community transition, or other period of supervised release, if applicable.

(3) The sex offender successfully completes a sex offender treatment program approved by:

(A) a court;

(B) a community corrections program; or

(C) the department.

(f) The lifetime registration period for a tier 3 sex offender who is classified as a tier 3 sex offender based on the sex offender's adjudication as a delinquent shall be reduced to the period during which the sex offender has already registered as a sex offender if the following conditions are met during any twenty-five (25) year period in which the sex offender is required to register as a tier 3 sex offender:

(1) The sex offender is not convicted of a:

(A) felony; or

(B) sex offense.

(2) The sex offender successfully completes any period of probation, parole, community corrections, community transition, or other period of supervised release, if applicable.

(3) The sex offender successfully completes a sex offender treatment program approved by:

(A) a court;

(B) a community corrections program; or

(C) the department.

(b) A sex offender who is a sexually violent predator is required to register for life:

(c) A sex offender who is convicted of at least one (1) sex offense that the sex offender committed:

(1) when the person was at least eighteen (18) years of age; and

(2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life:

(d) A sex offender who is convicted of at least one (1) sex offense in which the sex offender:

(1) proximately caused serious bodily injury or death to the victim;

(2) used force or the threat of force against the victim or a member of the victim's family; or

(3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life:

(e) A sex offender who is convicted of at least two (2) unrelated sex offenses is required to register for life:".

Page 1, line 3, delete ":".

Page 1, line 4, delete "(1)".

Page 1, line 4, after "of" insert "at least one (1) of the following offenses".

Run in lines 3 through 4.

Page 1, delete lines 5 through 17, begin a new line single block indented, and insert:

(1) Child molesting involving intercourse or deviate sexual conduct (IC 35-42-4-3(a), if:

(A) the offense is committed by a person at least twenty-one (21) years of age; and

(B) the victim is less than twelve (12) years of age.

(2) Child molesting (IC 35-42-4-3) resulting in serious bodily injury or death.

(3) Murder (IC 35-42-1-1), if:

(A) the person killed the victim while committing or attempting to commit child molesting (IC 35-42-4-2);

(B) the victim was the victim of a sex crime under IC 35-42-4 for which the person was convicted; or

(C) the victim of the murder was listed by the state or known by the person to be a witness against the person in a prosecution for a sex crime under IC 35-42-4 and the person committed the murder with the intent to prevent the person from testifying.".

Page 2, delete lines 1 through 13.

Renumber all SECTIONS consecutively.
 (Reference is to SB 2 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 5, Nays 2.

STEELE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 458, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 17 through 42, begin a new paragraph and insert:

"SECTION 3. IC 13-30-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007] : Sec. 3. (a) The department may waive up to one hundred percent (100%) of a civil penalty imposed on a business, **a state agency, or a political subdivision** for a minor violation of:

- (1) a requirement of environmental management laws;
- (2) a rule adopted by a board; or
- (3) any determination, permit, or order made or issued by the commissioner.

(b) The department may not waive any part of a civil penalty under this section if the violation:

- (1) endangers or causes damage to public health or the environment;
- (2) **is results from an intentional, willful, or criminal act, omission, or failure of a partner, officer, or director of the business, state agency, or political subdivision acting within the scope of that person's employment or office;**
- (3) is of a requirement for which the department has previously issued a notice or warning of violation, for this or a prior violation, to the business, **state agency, or political subdivision** required to correct the violation; or
- (4) is not corrected within ninety (90) days after the date the business, **state agency, or political subdivision** required to correct the violation notifies the department of the violation under subsection (c). The department may extend the ninety (90) day period for not more than an additional ninety (90) days.

(c) To seek a waiver of a civil penalty under this section, the business, **state agency, or political subdivision** required to correct the violation must submit to the department a written report of the violation for which a waiver is sought. The report must be submitted to the department before an inspection by the department that discloses the violation or the issuance of a notice or warning of violation.

(d) The boards may adopt rules to implement this section."
 Delete page 3.

(Reference is to SB 458 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 9, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 205, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-11-2-157.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 157.5. "Permit rules", for purposes of IC 13-15-3 and IC 13-15-7, refers to any of the following:**

- (1) 326 IAC 2-1.1-9.
- (2) 326 IAC 2-2-8.
- (3) 327 IAC 3-2-3.
- (4) 327 IAC 3-2-5.
- (5) 327 IAC 8-3-2.
- (6) 327 IAC 8-3.5-10.
- (7) 327 IAC 15-5-12.
- (8) 327 IAC 15-6-10.
- (9) 327 IAC 15-13-19."

Page 1, line 17, delete "chapter;" and insert "**chapter that authorizes construction;**".

Page 2, line 3, delete "different" and insert "**shorter**".

Page 2, line 3, delete "another statute during" and insert "**IC 13-18-10-2.2 or permit rules;**".

Page 2, delete line 4.

Page 2, delete lines 8 through 17, begin a new paragraph and insert:

"(d) A period described in subsection (c) for a person to commence construction is tolled pending either of the following regarding the construction permit:

- (1) An administrative appeal.
- (2) A judicial review."

Page 2, delete lines 36 through 40.

Page 2, line 41, delete "(d)" and insert "(c)".

Page 3, line 4, after "1." insert "(a)".

Page 3, line 19, delete "different" and insert "**shorter**".

Page 3, line 19, delete "another statute during" and insert "**IC 13-18-10-2.2 or permit rules.**".

Page 3, delete lines 20 through 27.

Page 3, line 28, delete "(7)" and insert "(6)".

Page 3, after line 32, begin a new paragraph and insert:

"(b) A period described in subsection (a)(5) for a person to commence construction is tolled pending either of the following regarding the construction permit:

- (1) An administrative appeal.
- (2) A judicial review."

Renumber all SECTIONS consecutively.

(Reference is to SB 205 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill 250, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

Page 4, delete lines 29 through 30.

(Reference is to SB 250 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

NUGENT, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 28

Senate Concurrent Resolution 28, introduced by Senators Wyss, Long, and Kruse:

A CONCURRENT RESOLUTION recognizing the Carriage House on the occasion of the 10th anniversary of its founding.

Whereas, The Carriage House, founded in 1997 through a partnership with Park Center and the Fort Wayne chapter of the National Alliance on Mental Illness, has a singular mission of "helping adults reclaim their lives from the devastation of mental illness";

Whereas, The National Institute of Mental Health Fact Sheet reports that an estimated 22.1% of Americans ages 18 and older suffer from a diagnosable mental disorder;

Whereas, When this data is applied to the 2000 U.S. Census information for Allen County, it translates to over 54,000 adults suffering from mental illness;

Whereas, The Carriage House helps these people lead more productive lives and avoid the despair that often results from time spent in hospitals or jails;

Whereas, The Carriage House has a total membership of 683 people of which about 220 actively participate; the dedicated staff has already helped over 150 people reenter the workforce and more than 100 people work toward their educational goals;

Whereas, Members of the Carriage House work side by side with staff in a non-traditional setting on meaningful activities to help build the confidence and self-esteem necessary to reclaim their lives;

Whereas, The Carriage House is a day program where members can be found working hand in hand with staff on tasks they might be asked to do in a work environment, such as entering data into computers, preparing food, writing a nationally distributed

newsletter, and hiring and evaluating staff;

Whereas, The Carriage House uses the "Clubhouse Model" of psycho-social rehabilitation, which is based on a set of 36 standards ratified by the International Center for Clubhouse Development; and

Whereas, Through assistance with employment, education, housing, and other needs, the Carriage House ensures that members have real opportunities to improve their lives: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly wishes to recognize the outstanding accomplishments of the Carriage House and the many contributions it has made to the citizens of Indiana who are in need of help to make their lives more productive.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Patsy Dumas, President of the Board of Directors of the Carriage House and Alexander (Andy) Wilson, Executive Director of the Carriage House.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives GiaQuinta and Borror.

SENATE BILLS ON SECOND READING

Senate Bill 193

Senator Miller called up Senate Bill 193 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 193-1)

Madam President: I move that Senate Bill 193 be amended to read as follows:

Page 2, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] 405 IAC 5-4-4 is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove this section from the Indiana Administrative Code."

Renumber all SECTIONS consecutively.

(Reference is to SB 193 as printed February 2, 2007.)

MILLER

Motion prevailed.

SENATE MOTION
(Amendment 193-3)

Madam President: I move that Senate Bill 193 be amended to read as follows:

Page 2, between lines 27 and 28, begin a new line block indented and insert:

"(5) A continuing care retirement community required to file a disclosure statement under IC 23-2-4."

(Reference is to SB 193 as printed February 2, 2007.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 328

Senator Lawson called up Senate Bill 328 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 328-1)

Madam President: I move that Senate Bill 328 be amended to read as follows:

Page 8, line 10, delete "may" and insert "**shall**".

Page 8, line 15, after "subsection" insert "**if the existing entity has the capacity to satisfy the responsibilities described in subsection (c) and the department ensures that the existing entity will satisfy the responsibilities described in subsection (c)**".

(Reference is to SB 328 as printed February 16, 2007.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 450

Senator Sipes called up Senate Bill 450 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 450-2)

Madam President: I move that Senate Bill 450 be amended to read as follows:

Page 1, line 4, delete "provider of Methadone." and insert "**opioid treatment program. This section does not apply to applications for new opioid treatment programs pending prior to March 1, 2007.**".

(Reference is to SB 450 as reprinted February 13, 2007.)

SIPES

Motion prevailed. The bill was ordered engrossed.

Senate Bill 487

Senator Wyss called up Senate Bill 487 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 536

Senator Ford called up Senate Bill 536 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 567

Senator Lubbers called up Senate Bill 567 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 567-4)

Madam President: I move that Senate Bill 567 be amended to read as follows:

Page 9, line 20, delete "Beginning" and insert "**If there is a specific appropriation from the general assembly to implement the program, beginning**".

(Reference is to SB 567 as reprinted February 16, 2007.)

MEEKS

Motion prevailed. The bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 45

Senator Bray called up Engrossed Senate Bill 45 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 126: yeas 45, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Lawson and Foley.

Engrossed Senate Bill 104

Senator Lawson called up Engrossed Senate Bill 104 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 127: yeas 45, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Summers and Crawford.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 29

Senate Concurrent Resolution 29, introduced by Senators Wyss and Rogers:

A CONCURRENT RESOLUTION honoring the centennial of United Parcel Service of America, Inc. (UPS) and recognizing the contributions of the company to the citizens of Indiana.

Whereas, On August 28, 2007, United Parcel Service of America, Inc. (UPS) will celebrate its 100th anniversary;

Whereas, Over the past 100 years, the world has witnessed the transformation of UPS from a single-city bicycle messenger company into the world's largest package delivery company;

Whereas, UPS has served Indiana since 1957, employs over 7,000 people in Indiana, and operates 100 facilities across the state;

Whereas, Each day, more than 159,500 Hoosiers use the express delivery and specialized transportation and logistics services that UPS provides;

Whereas, UPS delivers more than 318,000 packages every day to customers across Indiana, connecting people, communities, and businesses;

Whereas, The services UPS provides connect the people of Indiana to more than 200 countries through an expansive transportation network that truly synchronizes global commerce;

Whereas, Since 1995, UPS has contributed more than \$3.9 million to philanthropic endeavors in Indiana, reflecting the company's emphasis on community service and citizenship; and

Whereas, UPS will continue to both provide a substantial economic impact to the people of Indiana and focus on cultivating deep partnerships with the communities it serves: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly commemorates the 100th anniversary of UPS and recognizes and celebrates the contributions of UPS to the people of Indiana, both economically and philanthropically.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Michael L. Eskew, Chairman and CEO of United Parcel Service of America, Inc.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives GiaQuinta and Borror.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 113

Senator Gard called up Engrossed Senate Bill 113 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 128: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Reske and Cherry.

Engrossed Senate Bill 114

Senator Gard called up Engrossed Senate Bill 114 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 129: yeas 42, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Fry, Ripley, and T. Brown.

Engrossed Senate Bill 158

Senator Gard called up Engrossed Senate Bill 158 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 130: yeas 40, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Pflum and Lehe.

Engrossed Senate Bill 171

Senator Delph called up Engrossed Senate Bill 171 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 131: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives GiaQuinta and Ripley.

Senator Lanane, who had been excused, was present.

Engrossed Senate Bill 235

Senator Zakas called up Engrossed Senate Bill 235 for third reading:

A BILL FOR AN ACT concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 132: yeas 45, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Dvorak.

Engrossed Senate Bill 246

Senator Mrvan called up Engrossed Senate Bill 246 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 133: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Van Haaften and Whetstone.

Engrossed Senate Bill 264

Senator Walker called up Engrossed Senate Bill 264 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 134: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Goodin and Koch.

Engrossed Senate Bill 270

Senator Heinold called up Engrossed Senate Bill 270 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 135: yeas 44, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Grubb, Van Haaften, and Soliday.

Engrossed Senate Bill 276

Senator Kruse called up Engrossed Senate Bill 276 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 136: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Cheney, Bell, GiaQuinta, and Torr.

Engrossed Senate Bill 279

Senator Boots called up Engrossed Senate Bill 279 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 137: yeas 44, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Lawson and Foley.

Engrossed Senate Bill 286

Senator Kenley called up Engrossed Senate Bill 286 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 138: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Dvorak and Walorski.

Engrossed Senate Bill 293

Senator Landske called up Engrossed Senate Bill 293 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 139: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Pierce and Richardson.

Engrossed Senate Bill 311

Senator Hershman called up Engrossed Senate Bill 311 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 140: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Welch and Gutwein.

Engrossed Senate Bill 315

Senator Ford called up Engrossed Senate Bill 315 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 141: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Austin, Reske, and Duncan.

Engrossed Senate Bill 341

Senator Ford called up Engrossed Senate Bill 341 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 142: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Austin, Lutz, V. Smith, and Neese.

Engrossed Senate Bill 357

Senator Heinold called up Engrossed Senate Bill 357 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 143: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Dembowski, Bischoff, Dermody, and Thompson.

Engrossed Senate Bill 411

Senator Hershman called up Engrossed Senate Bill 411 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 144: yeas 46, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Tincher and Bell.

Engrossed Senate Bill 451

Senator Becker called up Engrossed Senate Bill 451 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 145: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Reardon, Porter, T. Harris, and Austin.

Engrossed Senate Bill 461

Senator Ford called up Engrossed Senate Bill 461 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 146: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Reske.

Engrossed Senate Bill 466

Senator Meeks called up Engrossed Senate Bill 466 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 147: yeas 46, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Kersey, Oxley, and Whetstone.

Engrossed Senate Bill 467

Senator Weatherwax called up Engrossed Senate Bill 467 for

third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 148: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Pflum, Friend, Tyler, and McClain.

Engrossed Senate Bill 472

Senator Wyss called up Engrossed Senate Bill 472 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 149: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Reske and Dodge.

Engrossed Senate Bill 480

Senator Wyss called up Engrossed Senate Bill 480 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning military affairs.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 150: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Reske, McClain, GiaQuinta, and Noe.

Engrossed Senate Bill 500

Senator Kenley called up Engrossed Senate Bill 500 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 151: yeas 39, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Kuzman, Espich, Crawford, and Turner.

Engrossed Senate Bill 503

Senator Miller called up Engrossed Senate Bill 503 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 152: yeas 46, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives C. Brown, T. Brown, and Fry.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1009, 1033, 1051, and 1085 and the same are herewith transmitted to the Senate for further action.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bill 1262 and the same is herewith transmitted to the Senate for further action.

CLINTON MCKAY
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Becker be added as coauthor of Engrossed Senate Bill 568.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Smith be added as second author of Senate Bill 562.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 329.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Smith be added as coauthor of Senate Bill 555.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Engrossed Senate Bill 279.

BOOTS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as second author of Senate Bill 108.

LANANE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Delph, Hershman, Kruse, and Merritt be added as coauthors of Senate Concurrent Resolution 29.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Nugent be added as coauthor of Engrossed Senate Joint Resolution 14.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Landske and Alting be added as coauthors of Engrossed Senate Bill 480.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, February 22, 2007.

LONG

Motion prevailed.

The Senate adjourned at 5:16 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate